

II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this Amendment, claims 1-24 remain pending.

Claim Rejections - 35 U.S.C. §102

Claims 1-22 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Publication No. 2001/0049602 to Walker (Walker).

Independent claims 1 and 12 recite that the text-to-speech generator inserts portions of the transmission information into a template to create a message. As discussed in the specification, the template may be the introduction to a song and the transmission information may be the song title and artist. The template may be combined to generate a customized song introduction such as "Now playing [song title] by [artist]." The examiner contends that the context rule described in Walker is a template. However, a thorough reading of Walker identifies that the context rule is merely a link between a word and a number of different pronunciations. As further described within Walker, the system looks for words to define a context such as baseball, politics, or religion. Then based on the context, the system links particular words to different pronunciations. For example, a hyphen in "1-5" may be pronounced as "dash", "minus", or "through" depending how the hyphen is used.

MPEP 2131 provides that "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. C. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Walker does not insert

portions of the transmission information into the template as defined in claim 1. Rather, Walker teaches linking certain words to different pronunciations. Accordingly, Walker does not teach the present invention according to claims 1 and 12.

Claims 2-11 and 13-24 depend from claims 1 or 12 and are, therefore, patentable for at least the same reasons given above in support of claims 1 and 12.

In addition, claims 2 and 13 recite that the text speech generator is configured to randomly select a template. The examiner relies on paragraph [0028] in rejecting claims 2 and 13. However, paragraph [0028] does not disclose randomly selecting a template or even randomly applying a context rule. Rather, the context rule is applied based on the text that is presented to the system in Walker. Therefore, the same text being provided as input will produce the same context rule being applied. Therefore, nothing in Walker teach or even suggests randomly selecting a template.

Further, claims 3 and 14 recite wherein the speech text-to-speech generator is configured to select a template based on a counter. As such, the text-to-speech generator indexes through each of the plurality of predetermined templates. The examiner relies on paragraph [0033] to reject claims 3 and 14. However, paragraph [0033] does not at all discuss a counter or indexing through templates or even the context rule of Walker. As such, Walker cannot teach selecting the template based on a counter, as defined in claims 3 and 14.

With respect to claims 5-9, and 15-20 the examiner generally seems to indicate that the rule **could** be a music context rule, artist context rule, or next step information context rule. However, Walker does not at all discuss such context rules. In addition, Walker is generally related to text documents that are provided over a telephone network, not a media transmission system such a satellite radio receiver.

Since Walker fails to expressly or teach a template being selected based on artist, title, or next-up information, applicants submit that claims 5-9 and 15-20 are patentable for at least these reasons as well.

In addition, claims 11 and 22 include that the message is summed with the music signal. Walker does not teach a music signal and, therefore, cannot teach this element.

New Claims

Claims 23 and 24 depend from claims 1 and 12 and are, therefore, patentable for at least the same reasons as claims 1 and 12. In addition, claims 23 and 24 define that the template includes a phrase further differentiating the claimed template from the context rule taught in Walker.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted by,

Dated: January 10, 2008

/Robert K. Fergan/
Robert K. Fergan
Reg. No.: 51,674
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610
(734) 302-6000

